

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROLAND GRAHAM,

Plaintiff,

-against-

ALINA MORAN, et al.,

Defendants.

21-CV-4053 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in the Philadelphia Industrial Correctional Center, brings this action *pro se*. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a substantially similar complaint that is pending under case number 21-CV-3973 (LTS).¹ Because this complaint raises the same claims against the same defendants, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending action under case number 21-CV-3973 (LTS).

In light of the Court's belief that Plaintiff may have submitted this complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

¹ The Court has directed Plaintiff in the pending action to either pay the \$402.00 in fees for a civil action or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See Graham v. Moran*, ECF 1:21-CV-3973, 4 (S.D.N.Y. May 4, 2021).

CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative. All other pending matters in this case are terminated. No funds should be deducted or encumbered from Plaintiff's prison trust account for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: June 17, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge